

# IDAHO ADMISSION BILL

## AN ACT

To Provide for the Admission of the State of Idaho into the Union

### PREAMBLE

Whereas, The people of the territory of Idaho did, on the 4<sup>th</sup> day of July, 1889, by a convention of delegates called and assembled for that purpose, form for themselves a constitution, which constitution was ratified and adopted by the people of said territory at an election held therefor on the first Tuesday in November, 1889, which constitution is republican in form, and is in conformity with the Constitution of the United States; and,

Whereas, said convention and the people of said territory have asked the admission of said territory into the Union of States on a equal footing with the original states in all respects whatever. Therefore,

**§ 1. Idaho admitted to union – Constitution ratified.** – The state of Idaho is hereby declared to be a state of the United States of America, and is hereby declared admitted into the union on an equal footing with the original states in all respects whatever, and that the constitution which the people of Idaho have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.

**§ 4. School lands.** – Sections numbered 16 and 36 in every township of said state, and where such sections or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said state for the support of common schools, such indemnity lands to be selected within said state in such manner as the legislature may provide, with the approval of the secretary of the interior.

**§ 5. Sale, lease, or exchange of school land.** — (a) Sale.

(1) In general. — Except as provided in subsection (c), all land granted under this Act for educational purposes shall be sold only at public sale.

(2) Use of proceeds. —

(A) In general. — Proceeds of the sale of school land —

(i) except as provided in clause (ii), shall be deposited in the public school permanent endowment fund and expended only for the support of public schools; and

(ii)(I) may be deposited in a land bank fund to be used to acquire, in accordance with State law, other land in the State for the benefit of the beneficiaries of the public school permanent endowment fund; or

(II) if the proceeds are not used to acquire other land in the State within a period specified by State law, shall be transferred to the public school permanent endowment fund.

(B) Earnings reserve fund. — Earnings on amounts in the public school permanent endowment fund shall be deposited in an earnings reserve fund to be used for the support of public schools of the State in accordance with State law.

(b) Lease. — Land granted under this Act for educational purposes may be leased in accordance with State law.

(c) Exchange. —

(1) In general. — Land granted for educational purposes under this Act may be exchanged for other public or private land.

(2) Valuation. — The values of exchanged lands shall be approximately equal, or, if the values are not approximately equal, the values shall be equalized by the payment of funds by the appropriate party.

(3) Exchanges for the united states. —

(A) In general. — A land exchange with the United States shall be limited to Federal land within the State that is subject to exchange under the law governing the administration of the Federal land.

(B) Previous exchanges. — All land exchanges made with the United States before the date of the enactment of this paragraph are approved.

(d) Reservation for School Purposes. — Land granted for educational purposes, whether surveyed or unsurveyed, shall not be subject to preemption, homestead entry, or any other form of entry under the land laws of the United States, but shall be reserved for school purposes only.

**§ 7. Public lands – Sale – Per cent paid state for school fund.** – Five per cent of the proceeds of the sales of public lands lying within said state which shall be sold by the United States subsequent to the admission of said state into the union, after deducting all the expenses incident to the same, shall be paid to the said state, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said state.

**§ 8. University lands to vest in State - State Control of Schools** - That the lands granted to the Territory of Idaho by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho and Wyoming for university purposes," are hereby vested in the State of Idaho to the extent of the full quantity of seventy-two sections to said State, and any portion of said lands that may not have been selected by said Territory of Idaho may be selected by the said State; but said act of February eighteenth, eighteen hundred and eighty-one shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

**§ 11. Specific land grants for various state institutions.** — In lieu of the grant of land for purposes of internal improvement made to the new states by the eighth section of the act of September 4, 1841, which section is hereby repealed as to the state of Idaho, and in lieu of any claim or demand by the said state under the Act of September 28, 1850, and section 2479 of the Revised Statutes, 143 U.S. Code, § 9821 making a grant of swamp and overflowed lands to certain states, which grant is hereby declared, is not extended to the state of Idaho, and in lieu of any grant of saline lands to said state, for the following grants of land are hereby made, to wit: To the state of Idaho: For the establishment and maintenance of a scientific school, 100,000 acres; for state normal schools, 100,000; for the support and maintenance of the insane asylum located at Blackfoot, 50,000 acres; for the support and maintenance of the state university, located at Moscow, 50,000; for the support and maintenance of the penitentiary, located at Boise City, 50,000 acres; for other state, charitable, education, penal and reformatory institutions, 150,000 acres. None of the lands granted by this act shall be sold for less than \$10 an acre.

**§ 12. Limitation on land grants and their use.** – The state of Idaho shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated and disposed of exclusively for the purpose herein mentioned, in such manner as the legislature of the state may provide.

**§ 13. Mineral lands exempted from school land grants – Lieu lands.** – All mineral lands shall be exempted from the grants by this act. But if section 16 and 36, or any subdivision, or portion of any smallest subdivision, thereof, in any township, shall be found by the department of the interior to be mineral lands, said state is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said state, in lieu thereof, for the use and benefit of the common schools of said state.

**§ 14. Selection and survey of lands granted.** – All lands granted in quantity or as indemnity by this act, shall be selected, under the direction of the secretary of the interior from the surveyed unreserved, and unappropriated public lands of the United States, within the limits of the state entitled thereto. And there shall be deducted from the number of acres of land donated by this act for the specific objects to said state the number of acres heretofore donated by congress to said territory for similar objects.